

EXHIBIT I

Declaration of Kathleen T. Zellner in
Support of Plaintiff's Response to
Defendant's Renewed/Second Motions
For Summary Judgment (C11-5424BHS)

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY)	
SPENCER and KATHRYN E. TETZ,)	
)	
Plaintiffs,)	
)	
v.)	No. 11-5424 BHS
)	
FORMER DEPUTY PROSECUTING ATTORNEY FOR)	
CLARK COUNTY JAMES M. PETERS, DETECTIVE))	
SHARON KRAUSE, SERGEANT MICHAEL)	
DAVIDSON, CLARK COUNTY PROSECUTOR'S)	
OFFICE, CLARK COUNTY SHERIFF'S OFFICE,)	
THE COUNTY OF CLARK, SHIRLEY SPENCER)	
and JOHN DOES ONE through TEN,)	
)	
Defendants.)	
)	

DEPOSITION UPON ORAL EXAMINATION OF
MATTHEW RAY SPENCER

Tuesday, November 13, 2012
10:00 a.m.
1201 Third Avenue, Suite 2200
Seattle, Washington

Reported by Marlis J. DeJongh, CCR, RPR
Lic. No. DE-JO-NM-J498K9

MARLIS J. DeJONGH & ASSOCIATES
www.marlisdejongh.com

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

41

- 1 a hot chocolate?
- 2 A. Yes.
- 3 Q. Did Detective Krause buy herself anything?
- 4 A. Not that I recall.
- 5 Q. Was there any other, was there any conversation
- 6 between you and Detective Krause after you got back in the
- 7 car as you were driving to the Holiday Inn?
- 8 A. Not that I recall.
- 9 Q. What happened when you got to the Holiday Inn?
- 10 A. She informed me my sister had been molested.
- 11 Q. As we sit here today do you have a specific
- 12 recollection of what was said during that visit with
- 13 Detective Krause in the Holiday Inn motel?
- 14 A. No specifics.
- 15 Q. So when you said she told me your sister had been
- 16 molested, that's the gist, as you understood it, of what she
- 17 was saying?
- 18 A. Correct.
- 19 Q. Did she ask you anything?
- 20 A. She asked if my father had molested me.
- 21 Q. And what did you say?
- 22 A. I said no.
- 23 Q. Anything else that you recall about what was said
- 24 between you and Detective Krause at that Holiday Inn motel
- 25 room?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

42

1 A. I remember there wasn't much questioning. It was
2 just that she was, she insisted that I had been molested
3 because my sister had been molested.

4 Q. At any time prior to today have you seen Detective
5 Krause's written report from that first interview she
6 conducted with you in Sacramento?

7 A. I reviewed it.

8 Q. Do you have any reason to say that any part of her
9 report from that visit is not accurate?

10 A. I would say the entire report is not accurate,
11 other than my name being correct and the addresses and maybe
12 the dates.

13 (Exhibit No. 1 marked for identification.)

14 Q. Mr. Spencer, you have been handed what has been
15 marked as Exhibit 1 to your deposition. I would like you to
16 take some time and review it and then I'll have some
17 questions for you about it.

18 A. (Witness reviewing document.)

19 MS. ZELLNER: Can we take a break while he reads
20 that?

21 MR. BOGDANOVICH: Yeah, let's take a break.

22 (Recess.)

23 Q. (By Mr. Bogdanovich) Mr. Spencer, we took a break.
24 Did you have an opportunity to review what was marked as
25 Exhibit 1?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

47

1 Q. And if I were to ask you, do you remember, was it
2 still summertime?

3 A. I don't think so. I don't think it was a year
4 later or months later.

5 Q. And if I were to ask you to assume that it was late
6 August of '84, would that sound about right?

7 A. I don't want to assume anything. I can't recall
8 it.

9 Q. Had you been taken to see any kind of counselor or
10 a therapist between the time you talked to Detective Flood
11 and the time you first talked to Detective Krause?

12 A. Not that I recall.

13 Q. Do you see that the second full paragraph on Page 2
14 of 10 of Exhibit 1 refers to Deputy Krause accompanying
15 Katie and her mother to a therapy session the day that she
16 was going to be returning to pick you up. Does that jog any
17 recollection about whether you had been seeing any kind of
18 therapist as well?

19 A. No, I had not been seeing a therapist.

20 Q. She then says in the next paragraph below where I
21 was just reading, When I picked Matt up at his residence he
22 was aware that we were going to my motel so that we could
23 talk privately.

24 A. That's a lie.

25 Q. Did you -- if you had no idea then where you were

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

48

1 going did you ask Detective Krause or your mother when she
2 showed up where you were going to be going?

3 A. No.

4 Q. She says, Matt appeared to be willing to accompany
5 me and at no time expressed any reluctance or concern about
6 doing so. Do you agree with that?

7 A. Well, I went along with it.

8 Q. She indicates during the time you were in her
9 vehicle en route to the hotel Matt was very talkative and
10 did not question me about what we would be talking about.
11 Do you recall that?

12 A. I recall respecting my elders and I don't ask
13 questions.

14 Q. So you would agree with that statement as well?

15 A. Sure.

16 Q. The next paragraph she describes, when we arrived
17 at the motel we toured the building and had a hot chocolate
18 in the coffee shop prior to discussing any of the specifics
19 regarding the concerns at hand.

20 Having reviewed that do you now recall that it was at a
21 coffee shop at the hotel where she bought you a hot
22 chocolate?

23 A. That's a lie. We went to 7-Eleven.

24 Q. And it's still your testimony that at the 7-Eleven
25 she bought you not only hot chocolate but a Hot Wheels?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

49

1 A. Correct.

2 Q. I don't intend to go through every statement in
3 here statement by statement and ask you if you agree or
4 disagree but --

5 A. That's probably a good idea.

6 Q. -- having reviewed it, it looked like you reviewed
7 it start to finish a few minutes ago?

8 A. I reviewed it.

9 Q. You saw that there are several places in here where
10 Deputy Krause or Detective Krause describes how you kept
11 asking her to tell you what Katie had said. Do you dispute
12 the accuracy of those reports?

13 A. I don't recall saying that.

14 Q. Is it possible you did and you just don't recall?

15 A. No.

16 Q. So you're sure you didn't ask Detective Krause at
17 any time during this interview what Katie had said?

18 A. No.

19 Q. You did know that Katie had been taken by Detective
20 Krause just the day before and questioned, right?

21 A. I do know that.

22 Q. Were you curious?

23 A. Sure.

24 Q. But you didn't ask her?

25 A. Once again, no.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

50

1 Q. There is a sentence down at the bottom of Page 3,
2 that last paragraph, where second sentence into that
3 paragraph Detective Krause writes, I asked Matt if he had
4 any idea what Katie was saying and Matt said, quote, well, I
5 think it's something about my dad doing something to her
6 because that's what the other detective said, end quote.

7 Do you recall making a statement to that effect?

8 A. No. That's a lie. I never used the word
9 detective. This verbiage here is not mine.

10 Q. Is there any verbiage besides the word detective
11 that you contend is not words you said?

12 A. Yeah, this whole statement is not mine.

13 Q. When you say this whole statement?

14 A. Well, I think it's something about my dad doing
15 something to her because that's what the other detective
16 said. That is not mine.

17 Q. Detective Krause made that all up?

18 A. Yes.

19 Q. There was discussion later, it appears, at Page 5.
20 There are two paragraphs on that page. The bottom paragraph
21 part of what Detective Krause reports is about the fourth
22 line down, a sentence starts, I related to Matt that during
23 my conversation with Katie one of the things she was
24 extremely concerned about was my telling Matt what she had
25 told me because she felt Matt would laugh at her. Matt

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

51

1 stated, quote, I wouldn't laugh at her, I love her, and it
2 wouldn't be her fault, no way I'd laugh, end quote.

3 Did you say words to that effect?

4 A. No.

5 Q. So again Detective Krause --

6 A. Lied.

7 Q. -- made that up?

8 A. Yes.

9 Q. Is there any part of this report other than the few
10 things we've documented in the introductory paragraphs about
11 the timing of when she took Katie and when she took you, is
12 there any other part of this report that is accurate?

13 A. Not that I can see.

14 Q. How long were you at the Holiday Inn on that first
15 interview occasion with Detective Krause?

16 A. I don't recall the time frame.

17 Q. And again, bear with me. When you say you can't
18 recall I want to try to kind of test some outer limits on
19 some of these is why I'll ask you more, but do you remember
20 if it was more than an hour or less than an hour?

21 A. It felt like more than an hour.

22 Q. Did it seem like more than two hours?

23 A. No, I don't know.

24 Q. So more than an hour is the best you can say?

25 A. Yes.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

52

1 Q. What happened when you were done with the interview
2 at the motel?

3 A. She brought me back home.

4 Q. What happened when she got you back to your house?

5 A. Went in the house.

6 Q. Did she leave?

7 A. I believe so.

8 Q. Do you remember if she came into your house?

9 A. Not that I recall.

10 Q. When you got home that night did you talk to
11 Kathryn at all about what had occurred with Detective
12 Krause?

13 A. Not that I recall.

14 Q. And I think your earlier description about that
15 first interview with Detective Krause was she kept asking
16 you or telling you that you had been touched inappropriately
17 by your father?

18 A. She insisted that I was molested by my father.

19 Q. And at any time during that first interview did you
20 report that you had been molested or touched
21 inappropriately?

22 A. No.

23 Q. After that first interview with Detective Krause in
24 October of 1984 did you start seeing any kind of counselor
25 or therapist?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

61

1 Q. Was he younger than Kathryn?

2 A. I don't know.

3 Q. Did you -- when you would visit -- well, do you
4 remember about how many times you visited, had the extended
5 visits with your father while he was living with Shirley and
6 Matt Hansen?

7 A. Maybe two times.

8 Q. Did you strike up any kind of friendship with Matt
9 Hansen?

10 A. It was very brief. We didn't -- there was no time
11 to strike up a friendship really.

12 Q. Was he close enough in age to you that you were
13 able to play with him?

14 A. Yeah. There was nobody else to play with, so...

15 Q. So when you would visit, you, he, Matt Hansen, and
16 Kathryn would kind of play together?

17 A. Correct.

18 Q. Referring to Exhibit 3, your declaration that you
19 signed in 2006, Paragraph 18, after saying, I have had the
20 opportunity to review the report written by Detective Krause
21 concerning her March 24, 1985 interview with me, you make
22 the following statement: While I believe that I did tell
23 her the things written in the report attributed to me about
24 my father sexually abusing me, none of it is true.

25 That's an accurate statement from your sworn

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

62

1 declaration?

2 A. None of this is true.

3 Q. But it's also true you believe you did tell
4 Detective Krause everything that she documents in this
5 report, Exhibit 2, about what your father did to you?

6 A. No.

7 Q. Isn't that what you said in Paragraph 18?

8 A. Look, none of this is true. I don't use the word
9 penis, okay. There's words in here that I would never use.
10 Okay.

11 Q. Let's take this sequentially because I need to
12 understand what your testimony is today.

13 And you agree with me that when you signed this sworn
14 declaration on February 27, 2006 you swore under oath, I
15 believe that I did tell her, referring to Detective Krause,
16 the things written in the report attributed to me about my
17 father sexually abusing me. You made that statement under
18 oath, correct?

19 A. I made that statement.

20 Q. Are you now telling me that statement is not true?

21 A. Yeah, I'm telling you that statement is not true.

22 Q. Why then if it's not true did you make that
23 statement under oath in your written declaration?

24 A. Well, because this looks different than what I
25 looked at so...

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

63

1 Q. And I had asked you a few minutes ago if this
2 Exhibit 2 appears to be what you reviewed that you were
3 referring to in your written declaration and you said, yes.
4 Correct?

5 A. This right here, this statement, is not correct.
6 It is a lie, okay. The woman took me to a hotel room and
7 questioned with no recorder, no pen and paper, no video
8 camera and wrote these reports up days, weeks, whenever,
9 later.

10 Q. Well, let's back up because you say the woman took
11 me to a hotel room. Do you have Exhibit 2 in front of you?

12 A. Yup.

13 Q. Because this is the one that we had just
14 established and you agreed that the interview was conducted
15 up in Vancouver up at the Clark County sheriff's office?

16 A. Correct.

17 Q. But are you telling me now under oath that this
18 13-page statement with a cartoon figure attached as the last
19 page marked as Exhibit 2 is not the same report that you
20 were referring to in Paragraph 18 that you said you
21 reviewed?

22 A. This does not look like the same report, no.

23 Q. So it's your testimony here today that today is the
24 first time you've seen this report marked as Exhibit 2?

25 A. This one handed to me, yes.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

64

1 Q. Tell me as best you recall what the report looked
2 like that you were referring to in your declaration in
3 Paragraph 18.

4 A. I don't know. Similar to this.

5 Q. Similar?

6 A. But not -- these words, this was not the same
7 document, so...

8 Q. Did Mr. Camiel give you a copy, leave you with a
9 copy of the document that you were referring to that you did
10 review?

11 A. No.

12 Q. Has anyone ever told you that they believe there
13 are two different versions of a report written by Detective
14 Krause in regard to her March 1985 interview of you at the
15 Clark County sheriff's office?

16 A. Not that I recall.

17 Q. Having had a chance to review the report that's
18 been marked as Exhibit No. 2, is it your testimony that none
19 of the statements attributed to you in here by Detective
20 Krause are true?

21 A. None of these are. My father did not molest me so
22 these are not true.

23 Q. Well, is it your testimony as you sit here today
24 that at no time back in 1985 did you ever tell Detective
25 Krause that your father had molested or touched you

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

65

1 inappropriately?

2 A. After eight months of badgering, yeah, I gave the
3 adults what they wanted to hear. I thought I was getting my
4 father help because that's what was presented to me, my
5 father was sick and he needed help.

6 Q. So was it during the March 1985 interview with
7 Detective Krause at the Clark County sheriff's office that
8 you did tell her your father had molested you?

9 A. Eventually, yeah.

10 Q. And did you also tell her that you had witnessed
11 your father sexually molesting Matt Hansen and your sister
12 Kathryn?

13 A. Yeah, I told them whatever they wanted to hear at
14 that point.

15 Q. Did you describe details about how you had been
16 molested?

17 A. Sure.

18 Q. What details did you describe?

19 A. Let's see here. That he sodomized his son, being
20 me, I had to give him oral sex.

21 Q. Did you use the word sodomize?

22 A. No, I didn't. There was none of that. So...

23 Q. Well, what I want you to do as you sit here today,
24 Mr. Hansen, Mr. Spencer, do you have a specific recollection
25 of what you told Detective Krause during this March 1985

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

66

1 interview?

2 A. Not specific -- nothing happened.

3 Q. That wasn't my question. My question was if you
4 remember anything about the specifics of what you told
5 Detective Krause about your father sexually molesting you,
6 because you just started ticking off, when I said details,
7 you said, sure, and started ticking off a list.

8 And, again, I'm trying to establish whether you remember
9 what you told her, the words you told her, as we're sitting
10 here.

11 A. That he put his penis in my butt, that I put my
12 penis in his butt. That's what you want to hear?

13 MS. ZELLNER: He's trying to clarify what you told
14 Detective Krause, okay. That's the specific question,
15 so you need to address that question.

16 A. So I told her that he put his penis in my butt and
17 I put my penis in his butt, but I don't use the word penis.
18 In fact I didn't even know what that was back then.

19 Q. Did you have a word that you would use to
20 describe a male --

21 A. I think we called them pee-pee back then.

22 Q. So you see the cartoon character that is attached
23 at the back of Exhibit 2 and it has the word penis written
24 next to the male genital area. And it's your testimony
25 that's not a word you told her, you would use to describe

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

67

1 that?

2 A. No. I didn't know what those words were. I don't
3 know what a vagina is at age 8, I don't know what a penis is
4 at age 8.

5 Q. So tell me any other -- do you remember any other
6 details about what you told Detective Krause your father had
7 done to you besides what you just mentioned?

8 A. I don't recall.

9 Q. Do you recall any of the details you told to
10 Detective Krause during that March 1985 interview about what
11 you had seen your father do to Kathryn?

12 A. I don't recall.

13 Q. No details?

14 A. No.

15 Q. But do you recall that you did tell Detective
16 Krause you saw your father molest or somehow sexually abuse
17 Kathryn, right?

18 A. I don't recall.

19 Q. You don't recall if you told her that or not?

20 A. No.

21 Q. I thought you said just a few minutes ago you did
22 tell her and everybody else who would listen.

23 A. That they said I was molested so I said that I was
24 molested. I never saw my sister molested so I can't say
25 that I saw it.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

68

1 Q. So as we sit here today do you deny that you told
2 Detective Krause that you saw your father sexually molest
3 Kathryn?

4 A. I deny it.

5 Q. As you sit here today do you deny that you told
6 Detective Krause that you saw your father sexually molest
7 Matt Hansen?

8 A. I deny it.

9 Q. If you look at Exhibit 3, your declaration,
10 Paragraph 17, you said under oath in Paragraph 17, Finally I
11 figured that if my father had molested my sister and little
12 Matt that maybe he had molested me as well so I told her
13 that he had. I made up specific details of what my father
14 did based on what the detective asked me.

15 That was your statement at that time, correct?

16 A. Correct.

17 Q. Who had told you prior to this interview with
18 Detective Krause that your father had molested your sister
19 and Little Matt?

20 A. My mom told me that.

21 Q. And had she given you any details?

22 A. No.

23 Q. Had anyone else told you prior to the March 1985
24 interview with Detective Krause?

25 A. Not that I can recall, unless you're talking about

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

71

1 Q. If you look at Page 9 of Exhibit 2, the first full
2 paragraph there's a couple of sentences at the top and then
3 there's a full paragraph. The last couple sentences of that
4 paragraph Detective Krause says, I asked Matt if he could
5 remember anything his father might have said or what the
6 cuss words were, and Matt stated, quote, he says the F word,
7 you know, fuck, and he says shit and stuff like that and I
8 hate him, end quote.

9 Do you deny that you made that statement?

10 A. I deny it.

11 Q. Do you deny that you made a statement similar to
12 that?

13 A. I deny it.

14 Q. Had you ever heard your father use the F word?

15 A. Yeah. Who hasn't heard their father use the
16 F word.

17 Q. Is that something you heard him do a lot?

18 A. No. My father is not an angry man.

19 Q. I apologize if I asked you, I don't think I did,
20 but do you recall about how long the March 1985 interview by
21 Detective Krause lasted?

22 A. I don't recall.

23 Q. What happened when she was done interviewing you in
24 March of 1985?

25 A. I believe we left the police department and went

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

91

1 than one individual involved and --

2 And then your answer was interrupted.

3 You were sworn to tell the truth during your testimony
4 at that July 10, 2009 hearing, correct?

5 A. Correct.

6 Q. And did you tell the truth that day?

7 A. I believe to the best of my ability.

8 Q. And today you were sworn to tell the truth again in
9 this deposition, correct?

10 A. Correct.

11 Q. And you testified earlier today, you specifically
12 denied a couple times that you had told Detective Krause
13 that your sister or your stepbrother had been molested.

14 So my question to you at this point is, which is true,
15 did you or did you not tell Detective Krause that your
16 sister and stepbrother had also been molested by your
17 father?

18 A. Detective Krause told me that my sister and
19 stepbrother had been molested. I went along with it.

20 Q. So your answer now is, yes, you did tell Detective
21 Krause in March 1985 that not just you but also your sister
22 and stepbrother had been molested by your father?

23 A. She informed me that they had been molested.

24 Q. That's not my question. I want to get to the point
25 here. Is your testimony now, and it was one way in the

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

92

1 reference hearing and it's been a different way today so I'm
2 just trying to find out when we walk out of here which
3 version are you going to swear to.

4 So did you tell Detective Krause in March of 1985 that
5 you and your sister and your stepbrother were molested by
6 your father?

7 A. She told me I was molested and I agreed to it.

8 Q. So the answer to my question is, yes, you did tell
9 her?

10 A. I agreed to it.

11 Q. And then also if you look at Page 29 of the
12 Exhibit 5 there was a question starting at Line 2. You were
13 asked, Question: You were interviewed by your father's
14 attorney Mr. Jim Rulli, weren't you?

15 Your answer: I believe so.

16 Question: Down in Sacramento.

17 Answer: I believe so.

18 Question: And you told Attorney Rulli that in fact you
19 had been abused.

20 Answer: I told everybody when I was nine that I had
21 been abused.

22 That's your testimony at that time, correct?

23 A. That's my testimony at that time.

24 Q. Now again today I think you specifically denied
25 ever having been interviewed by Mr. Rulli?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

162

1 A. True.

2 Q. And how do you know that answer? Because it wasn't
3 until I said yes is when the questioning stopped.

4 Is that a true statement?

5 A. Correct.

6 Q. So describe to us, when you were agreeing with
7 Detective Krause what was going on in that interview? There
8 were two interviews done with you. What was going on in
9 those interviews from your perspective?

10 A. She was suggesting to me that I had been molested
11 and I'm just not recalling it, and me telling her, no, this
12 never happened. The questioning wouldn't stop.

13 Q. When you went to the interview on October 24 with
14 Detective Krause did you know the names of any body parts
15 that you're seeing in her report? By that I mean penis,
16 vagina? Did you know those terms?

17 A. No, ma'am.

18 Q. And you're being quoted, and we can go to
19 Exhibit 1. I want to go through some of these quotes. All
20 right, if we start at Page 3, at the bottom of Page 3, it
21 says: I asked Matt if he had any idea what Katie was saying
22 and Matt replied, quote, well, comma, I think it's something
23 about my dad doing something to her, comma, because that's
24 what the other detective said, end quote.

25 Is that language that you used in the interview with

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

163

1 Sharon Krause?

2 A. No, ma'am.

3 Q. How do you know that?

4 A. I never used the word detective. I never thought
5 there was anything going on with my father. He didn't do
6 anything so I didn't know there was anything going on.

7 Q. What did you know at that point, at that age, what
8 did you know about sex?

9 A. I had no knowledge of sex, was not aware of what it
10 was.

11 Q. Were you sexually active?

12 A. No, ma'am.

13 Q. Later when you're reading about yourself
14 penetrating your sister or your father with an erect penis,
15 were you having erections by that age?

16 A. No.

17 Q. Did you know what erections were?

18 A. Not until I was older and actually had one.

19 Q. Were you telling Sharon Krause, if we go to the top
20 of Page 4, where about five lines down Matt stated, well,
21 about like my dad touching Kathy in her private areas, and
22 stuff like that, end quote. Is that an accurate statement?
23 Did you talk about private areas?

24 A. No, we didn't talk about private areas.

25 Q. Did you call your sister Kathy?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

164

1 A. I called her Kathryn. I have always called her
2 Kathryn.

3 Q. Did Detective Krause, was she writing notes when
4 you were there?

5 A. No.

6 Q. Did you see a notepad?

7 A. No, ma'am.

8 Q. Now if you go down a little bit farther it states
9 that you say to her, and this is the second full paragraph,
10 Page 4 of 13, Matt then indicated to me that he was, quote,
11 really confused about what was going on, end quote. He
12 indicated that he was, quote, glad I was going to talk to
13 him and finally would know what was going on, end quote. Is
14 that what you told her?

15 A. No.

16 Q. Were you curious about what was going on?

17 A. Of course I was curious.

18 Q. Were you asking her to explain it to you?

19 A. No.

20 Q. Let's go down -- did you ask -- if you go farther
21 down, Matt asked, quote, well, what does my dad say about
22 what Katie told Shirley, end quote. Did you specifically
23 ask that question?

24 A. No.

25 Q. She says on Page 4, At that time I indicated to

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

165

1 Matt that Katie had said that her father had touched her on
2 her private areas. Matt stated, quote, is that all she
3 said. I advised him what she had told me was more involved
4 than that but basically that was what she was saying.
5 Again, Matt insisted he wanted to know, quote, just exactly
6 what his sister was saying so he could understand.

7 Were you -- were you making those statements to Sharon
8 Krause?

9 A. No.

10 Q. Let's go to the top of Page 5 of 12. Detective
11 Krause says, At that time I indicated to Matt that if I were
12 going to be talking about bodies I needed to know what he
13 called specific parts so I can know for sure that he was
14 understanding what I talked about and that I would
15 understand what he was talking about.

16 With the aid of a cartoon drawing Matt then indicated
17 what he called breasts on a female body boobs, the navel a
18 belly button, the buttocks, buns, and the penis on a male
19 body a penis.

20 Now if you flip to the end of this report there's a
21 drawing and there's writing on it. Is that your writing?

22 A. No.

23 Q. And did you describe these body parts with the
24 language that Detective Krause has quoted you as using?

25 A. No.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

166

1 Q. She says when we were discussing the genital area
2 of the body I placed a dot where the vagina would be on the
3 female body and asked Matt, what do you call that part of a
4 girl's body that she went to the bathroom from. Matt
5 advised that he didn't really know what to call it, it was
6 just a, quote, private area.

7 Is that the terminology you used, private area?

8 A. That's not the terminology I would have used.

9 Q. Okay. Now if you go down into the next paragraph,
10 Matt then asked me, this is paragraph, the first full
11 paragraph on Page 5 of 12, quote, did Kathy say my dad
12 touched her there. He pointed to the dot where the genital
13 area of the female body would be. I indicated to Matt that
14 was one of the things that Katie had said to me. Matt
15 stated, what else did she tell you?

16 Do you remember that conversation and making those exact
17 statements?

18 A. No.

19 Q. Krause then states, I related to Matt that during
20 my conversation with Katie one of the things she was
21 extremely concerned about was my telling Matt what she had
22 told me because she felt Matt would laugh at her. Matt
23 said, I wouldn't laugh at her, I love her and it wouldn't be
24 my fault, no way I'd laugh.

25 A. Wouldn't be her fault.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

167

1 Q. Wouldn't be her fault, no way I'd laugh.

2 Did you ever say that to Sharon Krause?

3 A. No.

4 Q. How do you know you didn't say that?

5 A. That's not me. That's not what I said.

6 Q. Did you have the conversation about, do you
7 remember her telling you that Katie thought you would laugh
8 at her?

9 A. No, I don't remember that.

10 Q. How do you remember -- you talked about this
11 interview. How do you remember this interview developing?
12 Who was talking? Were you both talking the same amount of
13 time?

14 A. No.

15 Q. How did it go?

16 A. She did most of the talking. I just agreed
17 after -- when I finally did agree.

18 Q. Do you recall being told that your father, in this
19 interview that your father might need help, he might be
20 sick?

21 A. Yes. I was told that several times.

22 Q. Did that have any effect on you?

23 A. Yes.

24 Q. How did that affect you?

25 A. It helped me in my decision to get him help and

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

168

1 allowed me to say that he did this.

2 Q. In this first interview, if we go to Page 7 of 12,
3 do you recall telling Sharon Krause that, and this is at the
4 bottom of the first full paragraph, Matt --

5 MR. BOGDANOVICH: Which exhibit is this?

6 MS. ZELLNER: It's Exhibit 1.

7 Q. Matt stated to me -- it's Page 7 of 12, first full
8 paragraph, three lines up.

9 Yeah, well, I changed my story sometimes too but there
10 is no way my sister would lie about that kind of stuff. I
11 asked Matt, how do you feel about your mom, and Matt said,
12 now I understand what is going on and I feel sorry for her.

13 Did you make that statement to Sharon Krause?

14 A. No.

15 Q. Matt then stated, quote, I feel really sorry for my
16 dad too. He is really sick, it sounds like, end quote.

17 Did you tell Sharon Krause your father was really sick?

18 A. No.

19 Q. Did Sharon Krause tell you that your father was
20 really sick?

21 A. Repeatedly.

22 Q. And then we talked about the statements with
23 Shirley Spencer. You told us about the witnessing of your
24 father and Shirley Spencer having sex.

25 Do you recall Sharon Krause explaining to you about sex

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

169

1 in that interview?

2 A. No.

3 Q. Did she talk to you though about people making
4 love?

5 A. She didn't explain what it was, no.

6 Q. Did she explain the body parts to you?

7 A. Just the terminology. Not what they were used for.

8 Q. Did she ask you if you masturbated?

9 A. Not that I can recall.

10 Q. Let's look at the bottom of Page 8 of 12. I told
11 him other boys his age had told me that they did that --
12 she's referring back to touching themselves -- and also told
13 me that it felt good. Matt stated to me, yeah, I've done
14 that a couple times. It makes your penis stick up and it
15 does feel good but I don't scream my head off like she did.

16 A. I did not say that.

17 Q. How old were you?

18 A. Eight years old.

19 Q. Were you having erections?

20 A. No, ma'am.

21 Q. She states on Page 9 of 12, the second full
22 paragraph, I asked Matt if he wanted to ask me anything else
23 and he indicated that he didn't. Then stated, quote, I just
24 couldn't figure out why me and Kathy couldn't talk to my dad
25 or nothing. And then she said that about Christmas and I

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

170

1 figured she was really up to something then.

2 Did you make that statement?

3 A. No.

4 Q. Do you know what she's talking about?

5 A. No.

6 Q. Now there's another statement at the bottom of that
7 paragraph. I asked Matt if his father ever told him
8 anything else, and Matt stated, yeah, he tells me a lot of
9 stuff, I guess, but he always tells me that women are just
10 out to control you and to watch out for my mom, and stuff
11 like that.

12 Had your father told you that statement?

13 A. No.

14 Q. Did he talk to you like that when you were eight
15 years old?

16 A. Not at all.

17 Q. So that was the way that interview went.

18 If we look at the March 24th interview, and this was
19 Exhibit 2, when it starts on Page 2, if we look at the
20 fourth paragraph, it states, During my initial conversation
21 with Matt Spencer I advised him as to why he was at the
22 sheriff's office and why his mother had brought him and
23 Kathryn to Vancouver, specifically that during my
24 investigation I had obtained information that possibly Matt
25 Spencer had also been victimized by his father Ray Spencer.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

171

1 Matt advised me that he, quote, knew why he was here but
2 nothing ever happened to him.

3 Is that what you told her in the beginning of the
4 interview?

5 A. Yes.

6 Q. I talked for several minutes -- this is Krause -- I
7 talked with Matt for several minutes to reference why it was
8 important for him to tell me if something had happened,
9 specifically that first it was extremely important for Matt
10 to be able to talk about it, and secondly, it was important
11 that we were able to deal with his father so no other
12 children would be victimized.

13 Do you remember being told that?

14 A. No.

15 Q. Matt indicated that he knew his father had been
16 arrested again because his mother told him and he was also
17 aware that the second arrest resulted after Matt Hansen had
18 indicated that he had also been, quote, touched by Ray
19 Spencer.

20 In this interview did you know what Matt Hansen was
21 saying before the interview?

22 A. No.

23 Q. Did you find out what supposedly Matt Hansen was
24 saying in the interview?

25 A. Yes, they informed me.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

172

1 Q. At the bottom of 2 and the top of 3 you're being
2 described as being extremely nervous, exhibited signs of
3 lots of anxiety, specifically Matt was squirming all over
4 the chair he was sitting on. There were times that he was
5 sitting under the chair with his elbow resting on the seat
6 portion. At one point he had an extra chair on the room
7 balanced on his head. Matt was partially under the table at
8 times and other times a portion or all of his body was on
9 top of the table.

10 Do you remember being nervous during that interview?

11 A. I don't remember being nervous. I don't remember
12 putting a chair on my head either.

13 Q. Do you remember saying that you were thirsty and
14 you wanted something to drink?

15 A. I do remember that.

16 Q. Now then in the next full paragraph on 3 of 13, at
17 one point during the interview I indicated to Matt that
18 because we were going to be talking about bodies it was
19 important that I know what he called things so he would know
20 what I was talking about and understand what he was talking
21 about.

22 Matt indicated he remembered my using a cartoon drawing
23 when I talked to him at the hotel in Sacramento. During our
24 conversation Matt indicated that he called breasts on female
25 bodies breasts titties or boobs. Is that the language you

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

173

1 used at age eight?

2 A. No.

3 Q. The navel a belly button. Might you have called it
4 that?

5 A. Yes.

6 Q. Buttocks a bottom?

7 A. Yeah.

8 Q. The penis on a male body you called a penis,
9 correct?

10 A. No, not correct.

11 Q. And the genital area of the female body you called
12 it a vagina. Is that right?

13 A. Certainly not right.

14 Q. When I began to ask Matt about the possibility of
15 him being a victim, Matt advised me several times that,
16 quote, nothing ever happened to him.

17 Is that true, that you continued to say nothing ever
18 happened to you?

19 A. True.

20 Q. Then I asked Matt if he thought his father needed
21 help and had a problem, and Matt stated, quote, he does need
22 help.

23 Was that your assessment of your father at age 8?

24 A. No.

25 Q. Do you remember her giving you this example, the

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

174

1 package of gum?

2 A. I don't remember that.

3 Q. Do you remember stating to her, he needs a lot of
4 help?

5 A. No.

6 Q. Do you remember saying to her, he needs help for
7 what he did to Kathryn and Little Matt. Did you state that?

8 A. No.

9 Q. How do you know you didn't say that?

10 A. Because I didn't think he had done anything.

11 Q. Did you say to her, they wouldn't lie, I believe
12 them?

13 A. No.

14 Q. Were those your words or her words?

15 A. Those are her words.

16 Q. I asked Matt if his father needed help for one
17 person, two persons, or more than that, and Matt stated, he
18 needs it for more than that.

19 Were those your words or her words?

20 A. Her words.

21 (Ms. Fetterly left the proceeding.)

22 Q. I asked Matt who the first person his father would
23 need help for, and Matt stated, quote, for what he did to
24 Kathryn. Are those your words or her words?

25 A. Her words.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

175

1 Q. I asked him for the second person, who would it be
2 that his father would need help for, and Matt stated, quote,
3 for Little Matt because he did it to Little Matt too. Are
4 those your words or Sharon Krause's words?

5 A. Those are her words.

6 Q. At the end of that paragraph, I don't know, he just
7 needs a lots of help. Are those your words or Sharon
8 Krause's words?

9 A. Those are her words.

10 Q. Next paragraph, quoting you, he needs help for
11 doing things to Kathryn and Little Matt a lot more than one
12 time, end quote. Are those your words or Sharon Krause's
13 words?

14 A. Her words.

15 Q. Did you state to Sharon Krause, because they said
16 it did and they wouldn't lie. Are those your words or her
17 words?

18 A. Those are her words.

19 Q. Then she says again on Page 4 of 13, Matt continued
20 to deny that anything happened to him, however, he was real
21 adamant that Little Matt and Kathryn were telling the truth
22 about what his father had done to them. He was also very
23 adamant about his father, quote, needing lots of help.

24 Did you in fact continue to, or did you tell Sharon
25 Krause that Little Matt and Kathryn were telling the truth?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

176

1 A. No.

2 Q. Was she telling you they were telling the truth?

3 A. Yes.

4 Q. Now if you look down on 4 of 13, three lines down,
5 I felt possibly there was something Matt was not sharing
6 with me. I asked Matt how he was feeling about his father
7 and Matt stated, quote, I don't really feel anything. I
8 don't ever want to see him again.

9 Did you make that statement to Sharon Krause?

10 A. Not at all.

11 MR. FREIMUND: Can I interject for a moment?

12 If you're going to continue to do this exercise,
13 which I'm having difficulty fathoming why you're doing
14 this in a discovery deposition of your own client, in
15 any event, the defendants are paying for this deposition
16 and the court reporter's time. If you want to spend an
17 extended period of time, which it looks like you're
18 going to do for 13 more pages --

19 MS. ZELLNER: Sure I'll pay for it.

20 MR. FREIMUND: -- you pay for it.

21 MS. ZELLNER: Sure, no problem. And I'm doing this
22 because you have cherry-picked through statements, and
23 we're going back over whether she said these things or
24 he said them.

25 Q. So on page 5 of 13 it says that at one point in the

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

177

1 conversation I indicated to Matt that I was extremely
2 concerned that possibly something was happening to him or
3 that he may have seen something he was not telling me, and
4 if he were to leave without sharing it I knew it would
5 bother him and that I did not think that was fair to him.

6 Matt indicated that, quote, nothing was bothering him,
7 end quote. I told Matt, quote, I wish I could be something
8 that could get inside of his head and tell for sure if
9 anything had happened.

10 Do you remember her making statements to that effect to
11 you?

12 A. No.

13 Q. Did she talk to you about giving you a lie detector
14 test?

15 A. She did.

16 Q. What did she tell you?

17 A. She wanted to know if I took a lie detector test
18 would she find out anything that I'm not telling her.

19 Q. What was your understanding at age 8 of what a lie
20 detector test was?

21 A. I did not know what that was. I thought it was
22 something you put on your head and they put needles in your
23 head to measure whatever. I had no idea what a lie detector
24 test was.

25 MR. BOGDANOVICH: I think for interest of accuracy,

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

178

1 by the time of the March '85 interview he was nine.

2 Q. What was your understanding of a lie detector test
3 at age 9?

4 A. Me?

5 Q. Yeah.

6 A. It was the same thing, I had no idea what a lie
7 detector test was. I believed it was something that could
8 hurt you in the process.

9 Q. Did you tell her that you didn't want to take the
10 test?

11 A. Yes.

12 Q. Were you afraid of taking the test?

13 A. Yes.

14 Q. Do you remember after that discussion Sharon Krause
15 said to you, I advised Matt that I thought we had a problem,
16 specifically I had Kathryn and Matt saying something had
17 happened to them and also Matt indicating that possibly Big
18 Matt was also a victim. I indicated to Matt that if his
19 father needed help there were only two ways we could do
20 that.

21 Do you remember some conversation to that effect, she's
22 telling you he needs help?

23 A. I just remember them telling me he needs help.

24 Q. Do you remember her saying -- let me ask you this.
25 Does she ever tell you in that conversation that your father

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

179

1 could go to jail for these claims that were being made?

2 A. No.

3 Q. And you've read through Page 6 of 11, correct? Is
4 it true that she, Sharon Krause, if you look at the top
5 paragraph, tells you that she felt I had -- I only had one
6 recourse and that was to find out why Little Matt was lying
7 about something happening to big Matt. Do you remember
8 being told that?

9 A. No.

10 Q. She said that you became agitated and very
11 confrontative when you stated to her, quote, he's not lying
12 to you. I asked Matt, quote, what does that mean, Matt.
13 And Matt stated, quote, Little Matt is not lying, he's
14 telling you the truth.

15 Did you tell Sharon Krause that you believed that Little
16 Matt was not lying, he was telling you the truth?

17 A. No.

18 Q. Did Sharon Krause tell you that?

19 A. She told me that he was telling the truth.

20 Q. She quotes you as saying, Matt stated, quote, about
21 me, because my dad did it to me too and Little Matt and
22 Kathryn are telling the truth.

23 Are those your words or Sharon Krause's words?

24 A. Those are her words.

25 Q. Then you're quoted in the next paragraph on Page 6

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

180

1 of 11 saying, I asked Matt what was the hardest part about
2 telling, and Matt stated, quote, the hardest part is that it
3 might be all my fault.

4 Are those your words or Sharon Krause's words?

5 A. Those are her words.

6 Q. Do you remember Sharon Krause talking to you for
7 several minutes and telling you that none of it was your
8 fault?

9 A. Yes.

10 Q. Did she tell you that she didn't think that you
11 were not telling her because you were a liar but because it
12 was difficult for children to talk about these things?

13 A. She did present it like that.

14 Q. Did she tell you sometimes children forgot things?

15 A. Yes.

16 MR. FREIMUND: When you're at a convenient point
17 can we take a break?

18 MS. ZELLNER: Yeah, in a minute.

19 Q. Did she tell you, and do you recall, and this is
20 the last paragraph of Page 6, that you were not in any
21 trouble for telling what happened?

22 A. I do remember that.

23 Q. Do you remember telling her that Ray Spencer, and
24 this is a quote, Ray Spencer, he's the liar, why can't he
25 tell what really happened and tell the truth. Are those

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

181

1 your words or Sharon Krause's?

2 A. No, I wouldn't have called my dad by his name.

3 Q. Did you call your dad a liar?

4 A. No.

5 Q. I asked Matt how he was feeling about his father
6 and Matt stated, quote, I don't feel anything, I don't ever
7 want to see his face again. Are those your words or Sharon
8 Krause's?

9 A. No.

10 Q. Are they her words?

11 A. They were her words.

12 Q. Now when we get to Page 7 of 13 she's quoting you
13 as describing various activities of your father. If we look
14 at the first full paragraph she says that you told her, and
15 I quote, I was scared and I always was because he's big and
16 he can be really mean to you.

17 Are those your words or Sharon Krause's words?

18 A. Those are her words.

19 Q. Was your father ever mean to you up to that point
20 in time?

21 A. No.

22 Q. Did your father ever hit you?

23 A. No. My father didn't even spank us.

24 Q. Did your father hurt you in any way physically?

25 A. No.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

182

1 Q. It continues, I asked Matt what he, Little Matt and
2 Kathryn were wearing when something happened, and Matt
3 stated, quote, he makes us take our clothes off every time
4 and my dad takes his clothes off too, end quote.

5 Are those your words or Sharon Krause's words?

6 A. Those are her words.

7 Q. Matt then stated, quote, I don't even want to call
8 Ray Spencer my dad anymore because I hate him for what he
9 did, end quote. Are those your words or Sharon Krause's
10 words?

11 A. I would have never said that.

12 Q. If we go down on Page 7 of 13, about six lines up
13 on that full paragraph Matt stated, I bet Kathryn and Little
14 Matt hate him too because he really hurt us; I know Kathryn
15 hates him, end quote. Are those your words or Sharon
16 Krause's words?

17 A. Krause's.

18 Q. Matt stated, quote, he makes all of us put our
19 mouth on, you know, those parts. Are those your words or
20 Sharon Krause's words?

21 A. Her words.

22 Q. I asked him if he could tell me for sure what
23 happened so I wouldn't be mixed up and asked him what
24 Kathryn had to put her mouth on. Matt replied, quote, on my
25 penis and on Little Matt's penis, see what I mean.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

183

1 Are those your words or Sharon Krause's words?

2 A. Her words.

3 Q. I asked Matt what he had to put his mouth on. He
4 stated, quote, he always makes me and Little Matt put our
5 mouth on Kathryn's vagina and she hates it and we hate it
6 too. Are those your words or Sharon Krause's words?

7 A. Her words.

8 Q. I asked Matt if he knew where Shirley was when that
9 happened and asked, was she at home. And Matt stated,
10 quote, she was probably at work, that's where she was most
11 of the time. He always did it when she wasn't there.

12 Are those your words or Sharon Krause's words?

13 A. Her words.

14 COURT REPORTER: I'm getting to the point of
15 needing a break too.

16 MS. ZELLNER: Okay, why don't we take a five-minute
17 break.

18 (Recess.)

19 (Ms. Fetterly rejoined the proceeding.)

20 Q. (By Ms. Zellner) Do you think, Matt, that you may
21 have told Sharon Krause that Shirley was not home?

22 A. No.

23 Q. Just a few more. If we go to Page 8 of 13, in the
24 middle of the page -- actually let's go to the first
25 paragraph three lines up. The quote is, yeah, I said the

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

184

1 same things, he sticks his penis in our bottoms and he makes
2 us stick our fingers in each other's bottoms and he always
3 makes us lick on Kathryn.

4 Are those your words or are those Sharon Krause's words?

5 A. Those are Krause's words.

6 Q. Next paragraph, quote, He told me not to tell and
7 he says it really mean and he hurts us and I know he'll
8 really get me if he can get his hands on me.

9 Are those your words or Sharon Krause's words?

10 A. Krause's.

11 Q. If you look at the last sentence in the second
12 paragraph it says, Matt appeared to be very nervous and at
13 one point was even shaking. Do you recall, were you
14 nervous?

15 A. No.

16 Q. Then a couple more on Page 8, she quotes you as
17 saying, she asked you, I asked Matt if he ever had to touch
18 his father's body and Matt stated, quote, yeah, Ray always
19 makes me stick my penis in his butt and he makes us stick
20 our fingers in his bottom and he makes Little Matt do that
21 and Kathryn just has to stick her fingers in his bottom.

22 At age nine were you having erections?

23 A. No.

24 Q. Did you -- are these your words or are these Sharon
25 Krause's words?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

185

1 A. Those are Krause's words.

2 Q. She quotes you as saying, I asked him if he had to
3 touch his father's body in any other way, and he stated,
4 quote, I have to suck his penis, we all have to do that, end
5 quote.

6 Did you ever provide that information to Sharon Krause?

7 A. No.

8 Q. If we go to Page 9 of 13, I'm assuming that you
9 have read all these things that have been quoted and
10 attributed to you about sexual acts in this report.
11 Correct?

12 A. Correct.

13 Q. Did you report any of those sexual acts to Sharon
14 Krause?

15 A. No.

16 Q. Again there's more descriptions on 9, quote, he
17 puts his penis in Kathryn's vagina. I asked him how many
18 times he saw that and he stated, quote, about every time
19 Shirley was not around. He puts it in her bottom too and he
20 does that every time. Matt then stated, quote, Kathryn
21 really cries and we all cry. End quote.

22 Are those yours words or Sharon Krause's words?

23 A. Krause's.

24 Q. Then in the second full paragraph on Page 9 of 13,
25 I asked Matt if his father ever did anything that hurt his

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

186

1 body and Matt stated quote, yeah, he hurts my bottom. He
2 sticks fingers in there and his penis in there and that
3 hurts, end quote. Are those your words or Sharon Krause's?

4 A. Krause's.

5 Q. The second paragraph from the bottom, I asked Matt
6 if his father ever did anything else that hurt him, and Matt
7 stated, quote, it hurts when he slaps us, end quote.

8 Did you make that statement to Sharon Krause?

9 A. No. My father never slapped us.

10 Q. She quotes you again, quote, He slaps all of us
11 because we cry and he gets mad but it hurts and you can't
12 help crying, end quote. Are those your words?

13 A. No.

14 Q. Whose words are those?

15 A. Krause's.

16 Q. Further description about the touching, quote, He
17 makes us all touch each other and I have to put my mouth on
18 Little Matt's penis and Kathryn has to do that and I had to
19 put it on my dad's penis, and it's just the same things over
20 and over.

21 Are those your words or are those Sharon Krause's words?

22 A. Krause's.

23 Q. Now let's go to Page 10 of 13. I asked Matt how he
24 was feeling about telling and Matt stated, quote, I feel a
25 lot better, I just hate him.

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

187

1 Did you ever make that statement to Sharon Krause?

2 A. No.

3 Q. She quotes you as saying, when she's asking you
4 when these things would happen at the new house, this is
5 Page 10 of 13, quote, in his room and my dad's room, you
6 know, Ray's. I'm not calling him dad. He has a big
7 waterbed and that's where he would do it, end quote.

8 Did you make that statement to Sharon Krause?

9 A. No.

10 Q. There's further descriptions of you touching your
11 father's penis, him touching your penis. Did you use -- did
12 you make those specific statements to Sharon Krause?

13 A. No.

14 Q. Farther down the page on 10 she says, I asked him
15 if his father said mean things about anybody else and he
16 said, quote, he talked about private stuff about Shirley and
17 he says mean things about her too, end quote.

18 Do you recall making that specific statement to Sharon
19 Krause?

20 A. No.

21 Q. Do you recall if -- are those your words?

22 A. Those are not my words.

23 Q. He would say nasty things about Shirley and she's
24 really nice, end quote.

25 Do you remember making that statement to Sharon Krause?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

188

1 A. No.

2 Q. You have read through the next three pages, but if
3 you look on Page 11 of 13, on the quotes that are attributed
4 to you on that page, were any of those quotes words that you
5 used and told, events that you told Sharon Krause about?

6 A. No.

7 Q. And how do you know that?

8 A. Those are not my words.

9 Q. Did you describe these sexual events to her?

10 A. No.

11 Q. Did she describe sexual events to you?

12 A. Yes.

13 Q. Then at the top of 13, bottom of 11, she's asking
14 you if Kathryn would be standing up or sitting down when
15 they happened, and Matt stated, quote, sometimes my sister
16 was sitting and my dad was sitting and then sometimes he
17 would be on the bed and she'd be laying down, or sometimes
18 when he put it in her bottom she would have to stand up, end
19 quote.

20 Are those words that you used to Sharon Krause or are
21 those things she told you?

22 A. Those are Krause's words.

23 Q. Let me ask you this: After this interview in March
24 you said that you went along with her story. What do you
25 mean by that?

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

202

REPORTER'S CERTIFICATE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, MARLIS J. DeJONGH, CCR, RPR, a Notary Public in
and for the State of Washington, do hereby certify:

That prior to being examined, the witness named in the
foregoing deposition was duly sworn to testify the truth,
the whole truth and nothing but the truth;

That said deposition was taken down by me in
shorthand at the time and place therein named and thereafter
transcribed by means of computer-aided transcription, and
that the foregoing transcript contains a full, true and
verbatim record of the said deposition;

I further certify that I have no interest in the
event of the action.

WITNESS my hand and seal this 29th day of November,
2012.

Notary Public in and for the State
of Washington, residing in Seattle.
My commission expires 01/2016.
Lic. No. DE-JO-NM-J498K9

CLARK COUNTY SHERIFF'S OFFICE, WASHINGTON
UTILITY REPORT

CASE #84-E506
SUPPLEMENTAL RPT

STATUTORY RAPE, 1ST DEGREE, RCW 9A.44.070

LOCATION OF INCIDENT: 17681 NE Lucia Falls Road, Yacolt, Wa.

DATE OF INCIDENT: Between 07-14-84 and 08-26-84

DATE & TIME: 10-17-84 1745 hours

LOCATION: Holiday Inn, Room #135
5321 Date Avenue
Sacramento, California 95841-2597

INCIDENT: Interview with Witness

WITNESS: SPENCER, Matthew Ray dob: 11-28-75
aka: Matt
3930 Baccerra Way
Sacramento, California phone: (916) 462-4057

VICTIM: SPENCER, Kathryn E. dob: 01-13-79

SUSPECT: SPENCER, Clyde Ray dob: 01-09-48
17681 NE Lucia Falls Road
Yacolt, Washington

SUMMARY:

On the evening of 10-15-84, after I had arrived in Sacramento, California, I met the SPENCER children briefly when I accompanied



their mother to pick them up at the grandmother's residence. During the time I was around the children that evening I was introduced to them; however, they were not advised as to who I was, reference how I was employed or why I was in Sacramento.

When we returned to Deanna SPENCER'S residence with the children, it was approximately 10:00 PM and the children immediately prepared to go to bed. However, at one point when we were discussing the weather I mentioned that the Sacramento weather was worse than it was in Washington. Matt SPENCER immediately stated, "My dad lives in Vancouver, Washington. He's a policeman; he's a cycle cop." Matt then asked me if I knew his dad and I indicated to Matt that I did know his father and told him that was the reason that I had come to Sacramento, so I could talk with him and with Katie. Matt did not ask me any more questions that evening and I did not volunteer any additional information at that time.

On the evening of 10-16-84, when I returned Katie SPENCER to her residence, I made arrangements to pick Matt SPENCER up the following day after he got home from school for the purpose of my interviewing him reference any knowledge he might have regarding this situation. Because I accompanied Katie and her mother to a therapy session of the afternoon of the 17th, and also because I had to see a dentist during the late afternoon, I was not able to pick Matt up until approximately 5:00 PM.

When I picked Matt up at his residence he was aware that we were going to my motel so that we could talk privately. Matt appeared to be willing to accompany me and at no time expressed any reluctance or concern about doing so. During the time we were in my vehicle en route to the motel Matt was very talkative and did not question me about what we would be talking about.

When we arrived at the motel we toured the building and had a hot chocolate in the coffee shop prior to discussing any of the specifics regarding the concerns at hand. After we finished the hot chocolate we returned to my room and, like Katie, the first thing Matt did was to turn on the television. At that time I indicated to Matt that he knew where I lived, then asked if he knew what my job was. Matt stated, "A policeman." When I asked him

why he guessed a policeman Matt stated, "Well, because you said you knew my dad."

Initially I asked Matt if he knew what I wanted to talk to him about and Matt stated, "About Kathy and my dad." I asked him why he thought that was what I wanted to talk to him about, and Matt indicated it was because "I was a policeman and because he knew Katie had said something but he didn't know for sure what it was." I indicated to Matt that that was the reason I wanted to talk to him, and Matt stated, "I guess Katie said my dad did something last summer or something, but I never saw anything." I indicated to Matt that that was one of the reasons I wanted to talk to him because he may have seen or heard something that might be important regarding what Katie was saying. At that time Matt stated to me, "Can you tell me what she said because nobody will tell me anything?" I advised Matt that I would explain as much as I could to him and he stated, "I'm sure glad because I'd like to know what's going on."

I asked Matt if I could just ask him some questions first about his visit to Vancouver before we really talked about anything else, and he indicated that that was "fine." Matt volunteered to get up and turn the TV down so that he "could hear what I was saying."

I asked Matt when the last time he saw his father was and Matt stated, "It was last summer." I asked Matt if his father ever babysat them when he was in Vancouver and Matt indicated that his step-mother, Shirley, went to work at approximately 10:00 PM and that his father worked til approximately 11:30 PM. Matt indicated that he, Katie and Shirley SPENCER'S son, Matt, stayed with a relative named Cindy until their father picked them up on his way home from work. Matt also indicated that "sometimes his dad babysat for them on his days off when Shirley was working."

At that time during the conversation Matt indicated to me that he wanted me to tell him "what was going on." I asked Matt if he had any idea what Katie was saying and Matt replied, "Well, I think it's somethin' about my dad doing something to her, because that's what the other detective said." Matt then advised me that he had talked to a detective in Sacramento (interview with Detective FLOOD). I asked Matt if there was anything that he

hadn't told Detective FLOOD and Matt stated, "Well, I don't really remember what I told him but I never saw my dad do anything like that to Kathy. You know, like what she's saying." I indicated to Matt that I wanted to make sure that he understood what this was all about, and asked him what he thought Detective FLOOD was asking him about. Matt stated, "Well, about like my dad touching Kathy in her private areas and stuff like that." Matt then stated, "I've never seen him do anything like that to her when I was around." I asked Matt if Katie had ever said anything to him about anything like that ever happening, and Matt advised that she had not.

Matt then indicated to me that he was "really confused about what was going on." He indicated that he was "glad I was going to talk to talk to him and he finally would know what was going on." He also stated, "My dad always tells me that my mom lies to me and it's really confusing because I don't know who's telling the truth anymore." I asked Matt if he knew why I had come to California and Matt stated, "It was because of what Katie said to Shirley, I guess." I indicated to him that that was the reason and that it had nothing to do with anything that his mother had said. Matt stated, "How about my dad?" I asked him what he meant and Matt stated, "Well, did you talk to my dad?" I advised him that I had talked to his father and also Shirley. Matt asked, "Well, what does my dad say about what Katie told Shirley?" I advised Matt that when I talked to his father he denied that he had ever touched Katie in a way that he should not have. Matt asked, "Well, what did my sister, Kathy, say?" I indicated to Matt that Katie told me that some things had happened. Matt stated, "Well, could you tell me what my little sister said my dad did?" I indicated to Matt that what his sister said were not good things, and asked him if he was sure he wanted me to tell him what she was saying. Matt indicated that he "had to know what was going on, he couldn't stand it anymore."

At that time I indicated to Matt that what Katie had said was that her father had touched her on her private areas. Matt stated, "Is that all she said?" I advised him that what she had told me was more involved than that but basically that's what she was saying. Again Matt insisted that he wanted to know "just exactly what his sister was saying so he could understand."

At that time I indicated to Matt that if I were going to be talking to him about bodies I needed to know what he called specific parts so I would know for sure that he was understanding what I talked about and that I would understand what he was talking about. With the aid of a cartoon drawing Matt then indicated that he called breasts on a female body "boobs," the navel a "belly button," the buttocks "buns," and the penis on a male body a "penis." When we were discussing the genital area of the body I placed a dot where the vagina would be on a female body and asked Matt what he would call that part of a girl's body that she went to the bathroom from. Matt advised that he didn't really know what to call it, it was just a "private area". I asked Matt if he thought a father should touch that part of his daughter's body and Matt stated, "No way." At that time I indicated to Matt that there could be a time when a father would need to do that or a mother, relating, if a child hurt there and had to have medicine or like when a child was a baby and a parent had to change their diapers and things like that. Matt indicated that he understood, and then stated, "But, like I know they shouldn't just touch there for no reason." I advised him no, that there should be a reason for a father or mother to touch a child on those private areas. I asked Matt, "Would your buns be a private spot?" and Matt indicated that it would. I asked him if his penis would be a private spot and again Matt stated that it would.

Matt then asked me, "Did Kathy say my dad touched her there?" (He pointed to the dot where the genital area of the female body would be.) I indicated to Matt that that was one of the things that Katie had said to me. Matt stated, "What else did she tell you?" I related to Matt that during my conversation with Katie one of the things she was extremely concerned about was my telling Matt what she had told me because she felt Matt would laugh at her. Matt stated, "I wouldn't laugh at her, I love her, and it wouldn't be her fault. No way I'd laugh." I advised Matt that if Katie were telling the truth it would be really important for her to know that it was good for her to tell. Matt stated, "If she told you something happened, it did, because my sister is just a baby and she wouldn't lie about something like that." Again, Matt indicated he wanted to know and at that time I told Matt that during the

conversation with Katie the day before she indicated to me that during the summer visit in Vancouver, her father had put his mouth on the private area of her body and had also made her put her mouth on his (father) penis. I related to Matt that Katie had also made statements indicating that her father had placed his bare penis on the private part of her body where she goes to the bathroom from. At that time Matt looked at me and stated, "That is really gross, Sharon, you mean my dad said he didn't do that?" I advised Matt that his father indicated that he hadn't and there could be two reasons for that. One was that it had not happened. Matt interrupted me and again stated, "No way, my sister would never say that if it didn't happen. She would never lie about that." I asked Matt if he had ever seen anything during the time he visited that would make him think it might have, and Matt stated, "I never saw anything. I wish I would have because I would have punched him. That's really sick."

I indicated to Matt if it did happen his father may not be saying anything because he was embarrassed to do that, or felt scared. Matt stated, "Why would somebody's dad do that to them?" I advised Matt that I did not really understand why someone bigger than a child does that to their body but indicated maybe I could explain it another way. At that time I told Matt that where I worked the majority of the things I dealt with were cases like this where a child had said that someone bigger than them, sometimes a bigger child, or sometimes an adult, had touched their private areas and that the child was usually afraid to tell. I advised Matt that when someone bigger than a child did that it was wrong but that many times they probably didn't do it because they were being bad, it was because they were sick. I indicated to Matt that it was a different kind of sickness than a medical doctor could deal with. It was like the person's thinking was sick. I also told Matt that it was against the law for a bigger person than a child or a grownup to do that, and that a person could go to jail for something like that. However, there were many times when the grownup person told the truth and asked for help and instead of going to jail they would get help. Matt stated to me, "He sounds like he really needs help." Matt then stated, "Now I get it. That's why my mom said I can't go up at Christmas." Matt then stated, "I didn't know what was

going on. I thought she was probably just lying to me again. My dad told me not to believe anything she said."

At that time I asked Matt how he was feeling and he stated, "You mean about my dad?" I indicated that I meant about his dad, his mother, his sister or whatever he was feeling. Matt stated, "Well, about my dad. I don't know how I feel right now. I guess I just feel like I don't have feelings." I asked him how he felt about Katie and Matt stated, "I love my sister and I know my sister wouldn't lie. I just know that. She wouldn't lie about something like that." I indicated to Matt that I thought I read someplace in Detective FLOOD'S report where Matt had told him that Katie did tell stories and that she changed her stories a lot to keep from getting into trouble. Matt stated to me, "Yah, well, I change my stories sometimes, too, but there's no way my sister would lie about that kind of stuff." I asked Matt, "How do you feel about your mom?" and Matt stated, "Now, I understand about what's going on and I feel sorry for her."

Matt then stated, "I really feel sorry for my dad, too. He is really sick, it sounds like." I told Matt that if his father had done it and was sick our only goal was to get his father help. I also told him that that was really not my decision, that the decision would be made by a judge regarding what will happen. I asked Matt if he understood what a judge was and he indicated to me that he did, and "he understood about court and the arresting people and stuff like that."

At that time I asked Matt how he felt about his step-mother, Shirley, and indicated that it was Shirley who became concerned and asked that somebody find out exactly what had happened between Katie and her father. Matt stated to me, "Well, I'm glad she got concerned, but you know, I really don't like Shirley. She's just not the kind of person I would ever want for a mom." I asked him why he felt like that and at that time observed him shrug his shoulders, stating, "I don't know, I just don't like her." I asked him if anything ever happened while he was visiting that made him feel that way and Matt stated, "Not really. I just don't care for her." I asked him if she had ever said or done anything that upset him and Matt stated, "Well, there was this one thing that kind of bothered me, but that's not the only

reason I don't like her." I asked Matt if he could tell me about that and at that time Matt indicated that on a particular evening during the summer of 1984 he was awakened by "his step-mother screaming." I asked him what she was screaming about and Matt stated, "I don't know. I woke up and when I heard her making these real loud noises I got up and went into their bedroom and I mean, you think screaming's loud." I asked Matt if the bedroom door was shut and Matt indicated, "No, the door was always open." I asked Matt what he saw and Matt stated, "Well, when I went just inside that door I could see my dad's bare buns sticking up in the air and I knew what was happening." I asked Matt if he could tell me what was happening or if he understood and Matt stated, "Yah, I knew what was happening because I watched 'Friday, the 13th' and they were making love in that movie, too." I asked Matt what he did when he saw that and Matt stated, "Well, I just went back in the bedroom and then she was making those loud noises and then they started slowing down and the noises got tinier and tinier." Matt also advised that the following day he talked to his dad about that and then stated to me, "But, I still don't understand why she was making such loud noises about that."

At that time I asked Matt if he understood why grownup people made love and he stated, "Not really." I asked Matt if he knew how women became pregnant or why they had babies, and he stated, "Well, I think I know a little bit about that." For the next few minutes Matt and I talked about why grownup people "make love" indicating to him that that was something that two people who loved each shared with each other and that was the way a person could show someone else how much they loved them and how special they were. I also told Matt that it does not hurt usually when someone does that to you when you are a grown up and if you are in love it may be something that really feels good to your body, and that's probably why Shirley was making the noises because it felt good. Matt shook his head, indicating that he understood, and I asked Matt if he had ever touched his penis with his own hand. Matt replied no. I indicated to Matt that it was okay for him to tell me if that had happened because his body belonged to him and that it was okay to touch your own body if it was done in a private place. I told him other boys his age had told me they did that and also told me that it felt good. Matt stated to me, "Yah, I've done

that a couple times and it makes your penis stick up and it does feel good, but I don't scream my head off like she did." I indicated to Matt that possibly it felt better to Shirley and that was her way of showing his father how much she loved him and how special he was to her. Matt replied, "Well, it makes sense but I don't understand why she had to scream that loud." Matt then stated to me, "I just wish they'd keep their door shut." I asked him if he had seen that any other time and he indicated that he had not. I asked Matt if he felt like he understood enough or if he felt like he wanted to talk about it more, and Matt stated, "Well, I understand now, and my dad tried to tell me but I still didn't understand about the weird noises." I asked him if he understood about the noises now, and he stated, "Yah, I understand."

I asked Matt if he had ever heard his mother talk to Katie about the things that Katie was saying and Matt advised that he had not. I asked Matt if his mother had told him to say anything specifically to me, and Matt shrugged his shoulders and stated, "No, she just told me you were going to be talking to me. That's all."

I asked Matt if he wanted to ask me anything else and he indicated that he didn't, then stated, "I just couldn't figure out why me and Kathy couldn't talk to my dad or nothing, and then she said that about Christmas and I figured she was really up to something then." I asked Matt what he thought his mother was up to and he stated, "I don't know. It was like she was trying to mess with my head or something because my dad told me that she always lies to me and that I shouldn't believe anybody but him." I asked Matt if his father ever told him anything else and Matt stated, "Yah, he tells me a lot of stuff, I guess, but he always tells me that women are just out to control you and to watch out for my mom and stuff like that."

Matt and I talked for several more minutes; however, it did not appear that he had any other questions regarding what we had talked about, nor did it appear that he had any additional information that would be relevant to this issue. Matt and I were in the room a little less than one hour total. Because Matt appeared to be comfortable and there was nothing else to discuss I asked him if he was ready to go back to his house and he indicated that he was.

I transported Matt back to his residence and during that trip he appeared to be very comfortable and the majority of our conversation was about Sacramento, his school, the activities he was involved in, and his friends.

Investigation to continue.

CASE NUMBER

84-8506

DATE/TIME

5:50 10-17-84

LOCATION

Holiday Inn, Sacramento, Ca.

VICTIM

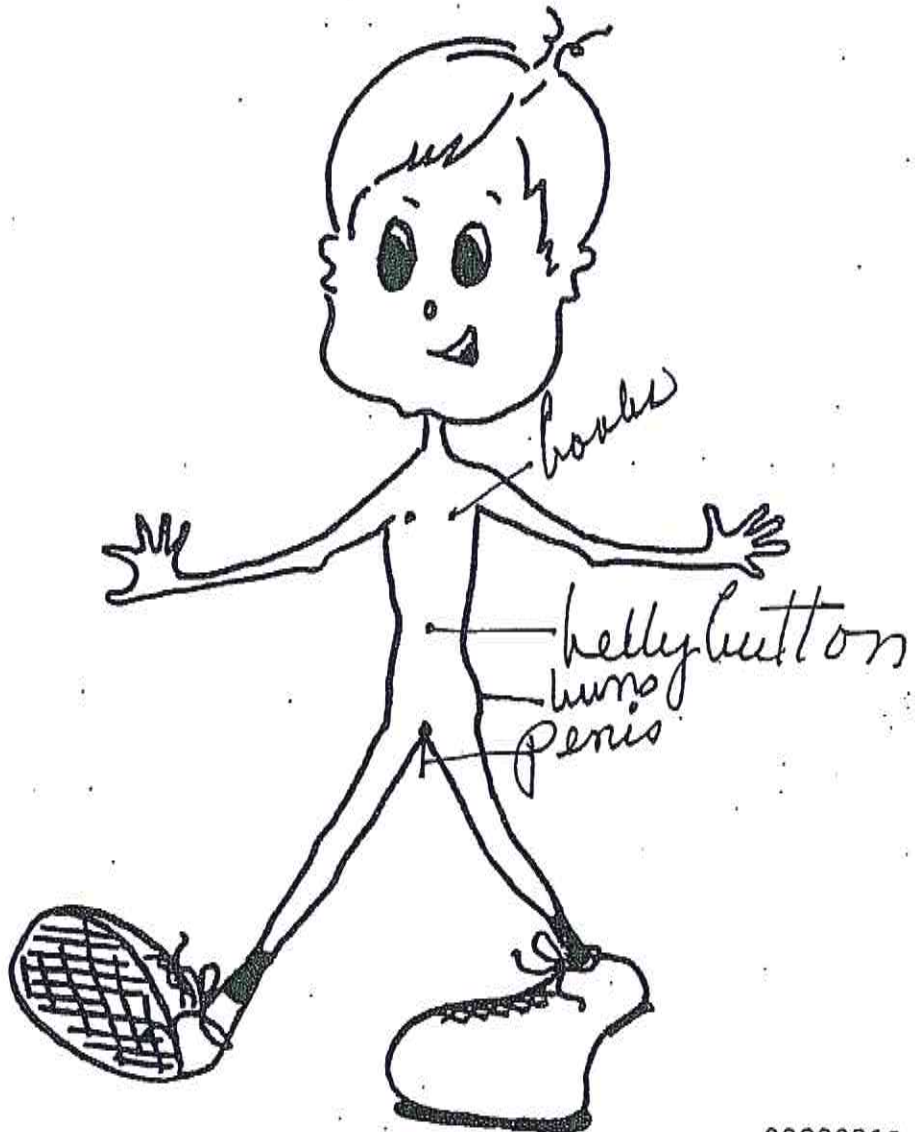
Matt Spencer

SUSPECT

Ray Spencer

Reporting Officer

A. Kruse



00000319

CLARK COUNTY SHERIFF'S OFFICE, WASHINGTON
UTILITY REPORT

CASE #84-8506
SUPPLEMENTAL RPT

1ST DEGREE STATUTORY RAPE, RCW 9A.44.070
LOCATION OF INCIDENT: 17681 NE Lucia Falls Road
Yacolt, Washington
DATE OF INCIDENT: Refer to Summary

DATE & TIME: 03-25-85 9:55 AM
LOCATION: CCSO, Investigation Unit
INCIDENT: Interview with Victim

VICTIM: SPENCER, Matthew Ray dob: 11-28-75
aka: Matt
3930 Becerra Way
Sacramento, California phone: (916) 482-6057

SUSPECT: SPENCER, Clyde Ray dob: 01-09-48
aka: Ray SPENCER
17681 NE Lucia Falls Road
Yacolt, Washington phone: 687-2407

ATTACHED
DOCUMENTS: #1 - Copy of a cartoon drawing used during my
conversation with the above listed victim regarding
what he called specific parts of his body.



SUMMARY:

On March 24, 1985, Deanne SPENCER, who is the natural mother of the above listed victim, Matt SPENCER, drove her children, Matt and Kathryn, to Vancouver for the purpose of my interviewing them regarding information that I developed during an interview with Matthew Alan HANSEN, where Matthew HANSEN indicated that Ray SPENCER had not only been sexually involved with Matt and Kathryn SPENCER, he also had reportedly forced the children to have sexual contacts with each other.

When Deanne SPENCER drove her children from Sacramento to Vancouver, Washington, she was accompanied by her mother, Mrs. Phyllis DAY, who also resides in Sacramento, California.

I met with Deanne SPENCER, her mother, and the SPENCER children on the morning of March 25, 1985 at the Clark County Sheriff's Office. With the permission of Deanne SPENCER, the interview with Matt SPENCER was done in an interview room located in the Clark County Sheriff's Office, Investigation Unit, with only Matt and I present.

During my initial conversation with Matt SPENCER, I advised him as to why he was at the Sheriff's Office and why his mother had brought him and Kathryn to Vancouver, specifically, that during my investigation I had obtained information that possibly Matt (SPENCER) had also been victimized by his father, Ray SPENCER. Matt advised me that he "knew why he was here, but nothing ever happened to him." I talked with Matt for several minutes reference why it was important for him to tell me if something had happened, specifically, that first it was extremely important for Matt to be able to talk about it, and secondly, it was important that we were able to deal with his father so no other children would be victimized. Matt indicated that he knew his father had been arrested again because his mother had told him, and he was also aware that the second arrest resulted after Matt HANSEN had indicated that he had also been "touched by Ray SPENCER."

During the initial part of my contact with Matt SPENCER, he appeared to be extremely nervous and exhibited signs of a lot of anxiety. Specifically, Matt was squirming, all over the chair he was sitting on, there were times when he was sitting under the chair with his elbows resting on the seat portion, at one point he had an extra chair on the room balanced on his

head, Matt was partially under the table at times, and other times a portion or all of his body was on top of the table. I observed Matt's face to be blushed and several times he indicated he was "thirsty and his mouth was dry." When Matt expressed some discomfort because he was thirsty, he accompanied me to the squad room of the Sheriff's Office where I purchased a pop for him to drink.

At one point during the interview I indicated to Matt that because we were going to be talking about bodies, it was important that I know what he called things so he would know what I was talking about and I would understand what he was talking about. Matt indicated that he remembered my using a cartoon drawing when I talked with him at the hotel in Sacramento. During our conversation Matt indicated that he calls breasts on a female body "breasts, titties or boobs," the navel a "belly button," the buttocks a "bottom," the penis on a male body a "penis," and the genital area of a female body a "vagina."

When I began to specifically talk with Matt about the possibility of him also being a victim, Matt advised me several times that "nothing ever happened to him." I asked him if there was a possibility that something could have happened a long time ago that he was having difficulty remembering. Matt immediately replied, "I don't know if it did; it would have been a long, long time ago." Matt and I talked for several more minutes about the possibility of him being a victim and he continued to deny that anything had ever happened. I asked Matt if he thought his father needed help and had a problem and Matt stated, "He does need help." I indicated to Matt at that time: "If I were to steal a package of gum, that would not be a good thing for me to do. If I were to steal ten packs of gum that would mean I had a big problem. However, if I were to steal a hundred packs of gum that would mean I really needed help." I asked Matt if he thought his father needed a little help or a lot of help. Matt stated, "He needs a lot of help." I asked Matt if his father needed help for one thing happening or more than one thing happening, and Matt stated, "He needs help for lots of things that happened." I asked Matt if he could tell me what his father needed help for, and Matt stated, "He needs help for what he did to Kathryn and Little Matt." I asked Matt if he believed what Kathryn and Little Matt had said and Matt stated immediately, "They wouldn't lie. I believe them." I asked Matt if his father needed help for one person, two

persons or more than that and Matt stated, "He needs it for more than that." I asked Matt who the first person his father would need help for, and Matt stated, "For what he did to Kathryn." I asked him who the second person would be that his father would need help for and Matt stated, "For Little Matt, because he did it to Little Matt, too." I asked him if his father needed help for anyone else and at that time I observed Matt shake his head in a yes response. I asked him who that person was and Matt stated, "I don't know, he just needs a lot of help."

I asked Matt if he thought his father needed help for only doing something to Kathryn's body one time or for doing something to Kathryn more than once. Matt responded, "He needs help for doing things to Kathryn and Little Matt a lot more than one time." I asked Matt how he knew something had happened more than one time with Little Matt and Kathryn, and Matt stated, "Because they said it did and they wouldn't lie." I asked him if he had ever seen anything happen and he shook his head in a no response.

At that point during the conversation Matt asked me if "I was about through asking him questions." I indicated to Matt that I needed to him to talk with me longer because it was important that I know everything that happened. There were several times during our conversation that morning when Matt would ask if I was done asking him questions.

Matt continued to deny that anything had happened to him; however, he was real adamant that Little Matt and Kathryn were telling the truth about what his father had done to them. He was also very adamant about his father "needing lots of help." Several times during the initial part of the conversation Matt indicated that something had happened between his father and Kathryn and Little Matt a number of times; however, he would indicate that he had not seen anything, only believed what the other children were saying.

During my interview with Matt I was attempting to be cautious about leading him or asking him any specific questions; however, I was still very uncomfortable because of the way Matt was responding to me. I felt possibly there was something Matt was not sharing with me. I asked Matt how he was feeling about his father and Matt stated, "I don't really feel anything. I don't ever want to see him again." I asked him if he could tell me why he was

feeling like that and Matt stated, "Because I don't like what he did to my sister and brother and I don't ever want to see his face again."

At one point in the conversation I indicated to Matt that I was extremely concerned that possibly something was happening to him or that he may have seen something he was not telling me, and if he were to leave without sharing it, I knew it would bother him, and that I did not think that was fair to him. Matt indicated that "nothing was bothering him." I told Matt, "I wish I could be something that could get inside of his head and tell for sure whether anything had happened." I assured Matt that I was not doubting his word or thought he was a "liar;" however, based on the number of children I dealt with I knew that very often children were reluctant to tell because of fears they had. I indicated to Matt at that time that with older people we could use a lie detector test to tell for sure if they were telling the truth or if they were not telling the truth, because they were afraid or because they really had done something they weren't supposed to. I asked Matt if he knew what a lie detector was and he indicated he did not. At that time I attempted to explain in terminology that Matt could understand, what exactly a lie detector was. At the point I stated, "And I wish I could give you that test so I wouldn't worry about something having happened to you and you being afraid to tell," Matt immediately blurted out, "I wouldn't take that test, I hate test." I assured Matt that he was not old enough to take that test; however, I did advise him I wished he were older so I wouldn't be worried about him and would feel better knowing that nothing had ever happened to him.

At that point in the interview Matt asked me, "What's going to happen to my dad?" I advised Matt that I felt we had a problem. Specifically, I had Kathryn and Matt saying something had happened to them and also Matt indicating that possibly "Big Matt" was also a victim. I indicated to Matt that if his father "needed help" there were only two ways we could do that. One was for his father to admit, which he was not doing, and the other was for us to go to trial and tell a judge and jury what his father had done so the court would force him to get help. Matt stated, "He needs help." I indicated to Matt that I could not make his father get help, that it would be up to a judge if his father did not admit. Again, Matt indicated that nothing had happened to him.

At that time I stated to Matt that I felt I only had one recourse and that was to find out why "Little Matt was lying about something happening to Big Matt." I indicated to Matt that I was going to call Shirley SPENCER and have her bring Little Matt to my office so I could find out why he said the things he had about "Big Matt." At that time I observed Matt SPENCER become agitated and very confrontive when he stated to me, "He is not lying to you." I asked Matt, "What does that mean, Matt?" Matt stated, "Little Matt is not lying. He is telling you the truth." I asked him what Little Matt was telling the truth about and Matt stated, "About me, cause my dad did it to me, too, and Little Matt and Kathryn are telling the truth."

I asked Matt what was the hardest part about telling and Matt stated, "The hardest part is that it might be all my fault." I talked for several minutes to Matt and reassured him that none of this was the fault of the children. I indicated to him that it was important that he was able to tell, and for him to not feel like he was responsible for anything that was happening. I also indicated to Matt that I did not think he was not telling me because he "was a liar" but that it was extremely difficult for children to tell sometimes, and also sometimes children "sort of forget about things that had happened." Matt stated to me, "Well, he and Kathryn aren't lying and I guess maybe I sorta forgot, but I really didn't. I was just scared I'd get into trouble." I asked Matt if he was starting to remember more things and Matt stated, "Yah, I remember a lot of things, but a lot of things I don't think I remember."

At that point during the conversation I assured Matt again that he was not in any trouble for not telling what happened, and indicated to him that when children don't tell it is not because they are "liars," it is just because it's so hard for children to tell about those things, and to talk about them. Matt stated to me, "I know who's the liar, he is." I asked him who he meant and he said, "Ray SPENCER. He's the liar. Why can't he tell what really happened, and tell the truth?" I indicated to Matt that I didn't really understand, but that it was very difficult for grownups to admit when they had touched children in a way they shouldn't. I asked Matt how he was feeling about his father and Matt stated, "I don't feel anything. I don't even ever want to see his face again."

I asked Matt if he could remember the last time something happened with his father and Matt indicated that it occurred "at the new house." I asked him who was there when it happened and Matt stated, "All of us were there." I asked him who "all of us" meant and Matt stated, "Me, Kathryn and Little Matt, and my dad. And he did something to everyone of us." I asked Matt if he could remember how he was feeling when the last thing happened and Matt stated, "I was scared and I always was, cause he's big and he can really be mean to you." I asked Matt what he, Little Matt and Kathryn were wearing when something happened and Matt stated, "He makes us take our clothes off every time and my dad takes his clothes off, too." Matt then stated, "I don't even want to call Ray SPENCER my dad anymore, because I hate him for what he did."

Again, Matt and I talked about why people bigger than children touch children, and after Matt had calmed down we talked more about what had occurred. I asked Matt if he could remember what happened during that last time in the new house and Matt stated, "He put his penis in my bottom and in Kathryn's bottom and in Kathryn's front hole and he puts it in Little Matt's bottom, too, and that really hurts us, and I hate him." I indicated to Matt that he had a right to be angry about what his father had done and assured him that it was okay for him to have feelings about what had happened, and for him to express those feelings. Matt stated, "I bet Kathryn and Little Matt hate him, too, because he really hurt us. I know Kathryn hates him." I asked Matt if anything else happened that last time and Matt stated, "He makes all of us put our mouth on, you know, those parts." I asked him if he could tell me for sure what happened so I wouldn't be mixed up and asked him what Kathryn had to put her mouth on. Matt replied, "On my penis and on Little Matt's penis. See what I mean." I asked Matt what he had to put his mouth on and he stated, "He always makes me and Little Matt put our mouth on Kathryn's vagina and she hates it, and we hate it, too."

I asked Matt if he knew where Shirley was when that happened and asked, "Was she at home?" Matt stated, "She was probably at work cause that's where she was most of the time. He always did it when she wasn't there."

I asked Matt how old he was now and he stated, "I was nine in November." I asked him how old he was the last time something happened

and Matt stated, "I was eight. It was last summer at the new house." I asked Matt if it happened when he was seven and Matt stated, "Yah, it did, because that's when we lived in the brown house and he did it then, too, and he did it to Katie and Little Matt in the brown house." I asked him what happened in the brown house and Matt stated, "He always does the same things. He did the same things to us then, and he'd probably do it to us now if he could get his hands on us." I asked Matt if anything happened to his "bottom" in the brown house and Matt stated, "Yah, I said the same things. He sticks his penis in our bottoms and he makes us stick our fingers in each other's bottoms, and he always makes us lick on Kathryn."

I asked Matt if his father ever said anything to him about telling and Matt stated, "He told me not to tell, and he says it really mean, and he hurts us, and I know he'll really get me if he can get his hands on me." Matt and I talked for several minutes about whether or not his father could "get his hands on him." I advised Matt that at this point his father did not know where he and Kathryn were even living because he did not have their address. I also advised Matt that if, at any point, his father were to be released from jail I would notify his mother immediately. When we finished talking about that, Matt seemed to be more comfortable; however, when we were discussing the possibility of his father being released at some point in time, Matt appeared to be very nervous and at one point was even shaking.

I asked Matt if he ever had to touch his father's body and Matt stated, "Yah, Ray always makes me stick my penis in his butt and he makes us stick our fingers in his bottom, and he makes Little Matt do that, and Kathryn just has to stick her fingers in his bottom." I asked him when that happened the last time and Matt stated, "At the new house." I asked him if he had to touch his father's body in any other way and he stated, "I have to suck his penis. We all have to do that."

I asked Matt if he had to touch anybody else's body and Matt stated, "Just what I said. Me and Little Matt have to put our penises in Kathryn's bottom, and in her vagina." I asked him when the last time was that that happened, and Matt stated, "At the new house when he has us take our clothes off." I asked him how many times that happened last summer and Matt stated, "Everytime Shirley was gone he did it to us." I asked Matt if he could

remember anything anyone said when that was happening, and Matt stated, "We all just cried cause it hurts us, and we hate it, and he just says mean things and tells us we'd better not say anything."

I asked Matt if he saw his father touch anyone besides him at the new house and Matt stated, "He puts his penis in Kathryn's vagina." I asked him how many times he saw that and he stated, "About everytime Shirley was not around, and he puts it in her bottom, too, and he does that everytime." Matt then stated, "Kathryn really cries and we all cry." I asked him what his father would say about the crying and Matt stated, "He just hollers at us to 'cut the crap'." I asked Matt what kind of things his father would holler and Matt stated, "He hollers cuss words and mean things." I asked Matt if he could remember anything his father might have said or what the cuss words were and Matt stated, "He says the F-work, you know, fuck, and he says shit and stuff like that, and I hate him."

I asked Matt if his father ever did anything that hurt his body and Matt stated, "Yah, he hurts my bottom. He sticks his fingers in there and his penis in there and that hurts." I asked Matt if he ever saw anything come out of his father's penis when he was doing things and Matt immediately blurted out, "I don't remember that." During that portion of the conversation I bent my pointing finger on the right hand at the first knuckle and stated to Matt, "Boy's penises hang down little like this. Is that how your father's looked?" Matt stated, "His doesn't hang down. It goes straight out like it's really hard, and then that makes it hurt more."

I asked Matt if his father ever did anything else that hurt him and Matt stated, "It hurts when he slaps us." I asked him why his father slaps him and he stated, "He slaps all of us cause we cry, and he gets mad, but it hurts and you can't help crying."

I asked Matt if he ever had to touch Little Matt and Matt stated, "He makes us all touch each other, and I have to put my mouth on Little Matt's penis and Kathryn has to do that, and I had to put it on my dad's penis, and it's just the same things over and over." When Matt told me that he said it in a very angry tone. Matt then stated, "I think I already told you everything, but did I tell you he makes us put our fingers in his bottom? And we have to stick our fingers in each other's bottom, isn't that sick?" I told Matt

that it was "sick" and I was so sorry that that happened to him, but I was glad that he was finally able to tell.

I asked Matt how he was feeling about telling and Matt stated, "I feel a lot better. I just hate him." Matt and I talked for several minutes and then I asked him where he would be when these things would happen at the new house. Matt stated, "In his room, in my dad's room, you know, Ray's. I'm not calling him dad. He has a big waterbed and that's where he would do it." I asked Matt if it ever happened anyplace else in the house and Matt stated, "In the bathroom, and downstairs, and the downstairs bathroom is where the shower is and he did it to me there in the shower, too." I asked him what happened in the shower and Matt indicated that his father "made him touch his penis." I asked him what he had to touch his father's penis with and Matt stated, "With my hand. He makes me grab onto it." I asked him if anything else happened in the shower and he stated, "He touches my penis with his hand, too, and he wants me to move my hand when I do that."

I asked Matt if he had ever gone camping with his father, and he indicated that he did during the summer visit. He and his dad had gone to Battle Ground Lake. He also advised that they had stayed one night in the tent. I asked Matt where he slept and he stated, "Right by him." I asked Matt if anything happened when they were camping and Matt stated, "I can't remember; he might have done something when I was asleep, but I don't remember."

I asked Matt if his father said anything to Little Matt and Kathryn when things were happening and Matt stated, "He says mean things to Little Matt, and he says the same things to us. He just says a lot of mean things." I asked him if his father said mean things about anybody else, and he stated, "He talked about private stuff, about Shirley, and he says mean things about her, too." I asked him if he could remember what his father would say about Shirley and he stated, "He'd say nasty things about Shirley, and she's really nice." I asked him if he could remember anything specifically that his father had said and Matt advised that he couldn't remember; he just remembered that they were "nasty and not nice." Matt then stated, "He said he really didn't even like Shirley."

I indicated to Matt at that time that I wanted to make sure I had written down everything and asked him what he saw happen to Kathryn

by his father. Matt stated, "Well, mostly he just puts his finger in her vagina and his penis in her vagina and then he puts his penis in her bottom and his fingers in there, and then he puts his mouth on her vagina and he makes Kathryn suck on his penis."

At that time Matt asked me if I "knew why Kathryn didn't tell me about him and the rest of the stuff before." I indicated to him that I wasn't real sure why Kathryn hadn't told me, but maybe she wanted him (Matt) to do it instead of her telling. Matt stated, "It's because I told Katie not to say anything and she promised she wouldn't."

I asked Matt if anything ever happened when just he and his father were there and Matt stated, "Most of the time he does it with all of us but sometimes he just does it to us alone." I asked him if it would happen during the nighttime or daytime and Matt stated, "Mostly, I think it was about daytime. It was just when Shirley was at work." I asked Matt if his father ever showed him any pictures or books that weren't nice and Matt stated, "He has me look at pictures in books of naked people." I asked him if he could remember the name of the book and Matt stated, "No, I didn't even like looking at the pictures, and then he'd say words like shit and stuff like that when he'd look at the pictures." Matt then stated, "I think that shit word might have been in the book but I don't really remember."

I asked Matt if anything else his father did hurt him and Matt stated, "It would hurt my tongue when I had to put my mouth on his penis." I asked Matt what his father called a penis and Matt stated, "He calls it a dick." I asked him if he could remember what his father called a vagina and Matt stated, "He calls it this different word. It starts with a P." Matt appeared to be thinking and then he blurted out, "Pussy, that's what he calls it, a pussy." I asked Matt if his father called a bottom anything besides a bottom and Matt shook his head, indicating a yes response. I asked him what his father called a bottom and Matt spelled A-S-S. I asked Matt what his father would call breasts on a female body and Matt stated, "Tits."

I asked Matt if he remembered when his father did things to Kathryn and he indicated he did. I asked him if Kathryn would be standing up or sitting down or what when they happened, and Matt stated, "Sometimes my sister was sitting and my dad was sitting, and then sometimes he'd be on the bed

and she'd be laying down, or sometimes when he put it in her bottom she'd have to stand up." I asked him what he and Matt would be doing, like would they be sitting down or what, and Matt stated, "The same as Kathryn, just whatever he decided we had to do." I asked Matt if he had ever had to stand on something when something was happening and Matt stated, "Just on our feet."

During the remainder of my interview with Matt, we reviewed what he had told me before and Matt was not able to provide me with any additional details. He was consistent in what he had shared before regarding the sexual contacts between he, his father, Kathryn and Little Matt. Matt was not able to isolate specific incidents with the exception of indicating that the same type of contacts occurred "almost every time Shirley was out of the house." Reference what had occurred while they were living in the "brown house," Matt related that the sexual contacts were the same that had occurred in the house located on Lucia Falls Road. (Shirley SPENCER advised that the brown house described by the children was located at 13105 NE 33rd Circle, Vancouver, Washington.)

Matt and I talked for several minutes prior to terminating our conversation about how he was feeling, what was going to happen to his father, his feelings about his father, and during that time I assured him several times that none of the children were in any trouble and also assured him that it was not their fault.

I asked Matt if he wanted his mother to know what had happened and Matt did not respond. I asked him if it would be easier for me to tell her so he didn't have to say the words, and Matt was eager for me to do that. Matt also advised me that he "wanted his grandma to know, too, and wanted me to tell her." I asked Matt if he would like me to call him therapist in Sacramento and tell her, and Matt also was very eager to have me do that.

At that time my conversation with Matt was terminated.

After I talked to Matt, I had his mother and grandmother come into the room, and without Matt present I shared with them what specifically Matt had told me during my interview. After I had talked with Deanne SPENCER and Mrs. DAY, I had Matt come back into the room and in the presence of all three, I assured Matt, as did his mother and grandmother, that

he was not in any trouble, and that they were proud of him for telling, and they understood how difficult it was. The interaction between Deanne SPENCER, Phyllis DAY and Matt appeared to be very appropriate. At one point, Mrs. DAY cried and she advised Matt that people cried because they were happy and sad. Matt stated, "You're sad because it happened but you're happy that I told, right?" Mrs. DAY indicated that was exactly why she was crying.

With Mrs. DAY, Deanna SPENCER and Matt present, I indicated to Matt that I wanted to make sure that I had told them everything and at that time repeated in detail what Matt had shared with me during my interview with him.

ADDITIONAL:

On the morning of 03-26-85 while all of the children in this investigation and Deanne SPENCER, Shirley SPENCER and Phyllis DAY were in my office, Phyllis DAY advised me that after they left my office on the 25th, Matt SPENCER told her that he "was telling his self the whole way up here that he wasn't going to tell me (KRAUSE) anything about what happened to him." He also told her that he "really felt better since he had told."

This investigation is pending.

CASE NUMBER

84-8506

DATE / TIME:

3/25/85

LOCATION:

0180

VICTIM:

Matt Spencer

SUSPECT:

Ray Spencer

Reporting Officer:

A. Krause

